



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Jack R. Wilson, III
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Thomas E. Jacobson, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Kirkland A. Turner, Development Manager,
Community Development
Mr. William D. Poole, Assistant Director,
Development Review, Planning Department
Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Senior Planner, Zoning and
Special Projects, Planning Department
Mr. Fred Moore, Planner, Zoning and
Special Projects, Planning Department
Mr. J. Michael Janosik, Zoning Administrator,
Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department

Mr. Zachary L. Robbins, Planner, Development
Review, Planning Department

Mr. David A. Hainley, Planning Administrator,
Development Review, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department

Mr. Carl D. Schlaudt, Principal Planner, Advance Planning
and Research Branch, Planning Department

Mr. Steven F. Haasch, Planner, Advance Planning and
Research Branch, Planning Department

Ms. Linda N. Lewis, Administrative Secretary, Administrative
Branch, Planning Department

Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department

Mr. Jeffrey L. Mincks, Deputy County Attorney,
County Attorney's Office

Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office

Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department

Mr. R. John McCracken, Director,
Transportation Department

Mr. James R. Banks, Assistant Director,
Transportation Department

Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department

Mr. Richard M. McElfish, Director,
Environmental Engineering Department

Ms. Joan Salvati, Water Quality Administrator,
Environmental Engineering Department

Mr. Weedon Cloe, Water Quality Analyst,
Environmental Engineering Department

Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department

Mr. Randolph Phelps, Senior Engineer,
Utilities Department

Mr. Bruce Dove, Chief of Parks,
Parks and Recreation Department

Deputy Fire Marshal Robbie Dawson, Fire and Life Safety,
Fire Department

Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Wilson, Gulley, Bass and staff met in the Executive Session Meeting Room, Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. Advance Planning and Research Branch Update.**
- D. Work Program – Review and Update.**
- E. Deferred Item:**
 - ◆ **Miscellaneous Ordinance Amendments.**
- F. Discussion Relative to:**
 - ◆ **Lighting Standards for Non-Residential Uses in A and R Districts.**
 - ◆ **Fire Emergency Access Policy.**
 - ◆ **Swift Creek Reservoir In-Lake Phosphorus Levels for 2003.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Litton requested a new item be added for discussion relative to the Virginia Department of Transportation's (VDOT) bonding requirements.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission amended the agenda to add a new Item G., Discussion of Virginia Department of Transportation (VDOT) Bonding Requirements and reordered the agenda accordingly.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

B. REVIEW DAY'S AGENDA.

Mr. Allen updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session.

Mr. Rogers updated the Commission as to the status of, and staff's recommendation for, the upcoming caseloads and zoning requests, as well as proposed Policy and Code Amendments relating to communications towers, to be considered during the Evening Session.

Mr. Bass noted a potential conflict of interest relative to the co-location portion of the proposed Policy/Code Amendments relating to the communications towers, as he was retired from Dominion Virginia Power and indicated he would recuse himself from voting on the item.

Mr. Bowling updated the Commission as to the status of, and staff's recommendation for, a proposed Plan Amendment relating to the Central Area Plan (including the Government Center).

C. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Messrs. Bowling and Schlaudt updated the Commission as to the status of upcoming citizens meeting relating to the proposed Upper Swift Creek Plan and Northern Area Plan amendments, respectively.

D. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their May 2004 Work Program, as outlined by Mr. Jacobson.

E. DEFERRED ITEM:

◆ **MISCELLANEOUS ORDINANCE AMENDMENTS.**

Mr. Poole presented an overview of the proposed Miscellaneous Ordinance Amendments scheduled for public hearing during the Evening Session.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Litton, that the Commission resolved to set the date of, and requested staff take the necessary steps to advertise, May 18, 2004, for a public hearing to consider the proposed Miscellaneous Ordinance Amendments.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

F. DISCUSSION RELATIVE TO:

◆ **LIGHTING STANDARDS FOR NON-RESIDENTIAL USES IN A AND R DISTRICTS.**

Ms. Rogers presented an overview of the proposed Code Amendment relating to lighting standards for non-residential uses in Agricultural (A) and Residential (R) Districts scheduled for public hearing during the Evening Session.

Upon conclusion of the discussion, it was on motion of Mr. Litton, seconded by Mr. Gulley, that the Commission resolved to set the date of, and requested staff take the necessary steps to advertise, May 18, 2004, for a public hearing to consider the proposed Code Amendment relative to lighting standards for non-residential uses in Agricultural (A) and Residential (R) Districts.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **FIRE EMERGENCY ACCESS POLICY.**

Mr. Turner updated the Commission as to the status of the Fire Emergency Access Policy and staff's recommendation that the Commission consider either not adopting the policy, setting a public hearing date for public input or continuing the discussion to the May 18, 2004, meeting to allow staff to complete a tiered

funding schedule. He further noted staff anticipated recommending to the Board of Supervisors, at their April 28, 2004, meeting, that the Residential Access Study (Connectivity Policy) be deferred until after the Planning Commission took action on the Emergency Access Policy and that both Policies be considered simultaneously.

Upon conclusion of discussion, it was the consensus of the Commission to defer the Fire Emergency Access Policy to the May 18, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

♦ **SWIFT CREEK RESERVOIR IN-LAKE PHOSPHORUS LEVELS FOR 2003.**

Ms. Joan Salvati and Mr. Weedon Cloe presented a computer-generated overview of information relating to total phosphorous levels in Swift Creek Reservoir from 1992 through 2003.

After brief discussion, and due to time constraints, it was the consensus of the Commission to continue the discussion after conclusion of the 3:00 p. m. Afternoon Session.

The Commission recessed the Work Session at approximately 3:00 p. m. and reconvened in the Public Meeting Room.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately 3:01 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Jacobson stated that the first order of business would be the consideration of the March 16, 2004, Planning Commission minutes.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to approve the March 16, 2004, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

04PS0280: In Midlothian Magisterial District, **GENTERPRISE DEVELOPMENT** requested an amendment to an approved sign package to allow all uses on this parcel to use current sign regulations. This project is commonly known as **POLO PLACE SHOPS**. This request lies in a Corporate Office (O-2) District on a 1.4 acre parcel located at the terminus of Polo Place, also fronting approximately 200 feet on West Huguenot Road approximately 400 feet west of its intersection with Polo Parkway. Tax ID 742-715-3191 (Sheet 2).

Mr. Robbins presented an overview of the request and staff's recommendation.

Mr. Barry Allison, the applicant's representative, stated, based on discussions with staff and the Midlothian District Planning Commissioner, he was agreeable to the amended conditions, as distributed, however, the landlord did not agree to the color limitation of the signage due to his commitment to another tenant.

Mr. Gecker stated he had concerns regarding the image of commercial development along Huguenot Road and he questioned the legality of the applicant acting for the landlord without a power of attorney.

Mr. Allen suggested adding language to the conditions limiting the signage request specifically to Portrait Innovations, rather than the entire property.

In response to a question from Mr. Gecker, Mr. Allison stated the amended language suggested by Mr. Allen was acceptable.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that approval of amendment to an approved sign package for Case 04PS0280, Genterprise Development (Polo Place Shops), shall be and it thereby was granted, subject to the following condition:

CONDITION

All signs for the Portrait Innovations tenant shall be regulated by the Zoning Ordinance, as permitted by conditions of zoning, however no freestanding sign shall be permitted. Further, building-mounted signs may not exceed fourteen (14) inches in height, and colors shall be limited to dark green.

- (Notes: 1. This condition overrides Condition 8 of the previously approved Belgrade sign package and shall only apply to the Portrait Innovations tenant.
2. Dark green shall be interpreted as being similar to the colors used for the existing tenant signage (Starbuck's and Precision Eye Care).) (CPC)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

04PR0262: In Clover Hill Magisterial District, **BANK OF RICHMOND** requested Planning Commission approval of a site plan, as required by zoning Case 03SN0243. This project is commonly known as **BANK**

OF RICHMOND. This request lies in a Neighborhood Business (C-2) District on two (2) parcels lying on the north line of Hull Street Road, west of Harbour View Court. Tax IDs 727-673-3007 and Part of 5220 (Sheet 15).

Mr. Mawby presented an overview of the request and staff's recommendation.

Mr. Rex Smith, the applicant's representative, accepted staff's recommendation, with the exception of Review Comments 53 and 61. He presented a brief history of the bank, displayed a PowerPoint presentation of the proposal and distributed an annual report as well as several other documents for the Commission's review. He stated the applicant felt the number of trees required in the tree save area referenced in Review Comment 53, was excessive and a reduction from fifty (50) to twenty-five (25) trees was being requested to prevent obscuring visibility of the site and to preclude the potential for criminal activity. He also requested that the twenty-five (25) trees cover all tree requirements for the front setback, and that the brick jack arches and the double hung, multi-light windows, referenced in Review Comment 61, be retained.

There was discussion relative to the architecture of the building and the color of and proposed materials to be used for the roof, as well as the visibility of the site, reduction in the number of trees in the tree save area and other issues of concern.

Upon conclusion of the discussion, Mr. Gulley indicated he understood the applicant's concerns and that he was comfortable with reducing the number of trees from fifty (50) to thirty-five (35), allowing the applicant an opportunity to revisit the issue in the future to determine if a further reduction in the number of trees would be appropriate, retaining the brick jack arches and permitting the number of window grills or mullions to be not more than three (3) panes wide in double hung windows.

No one came forward to speak in favor of, or in opposition to, the request.

Upon further discussion about the exact language of review comment fifty-three (53), it was On motion of Mr. Gulley, seconded by Mr. Litton, **that** the Commission resolved that approval of a site plan, as required by zoning Case 03SN0243, for Case 04PR0262, Bank of Richmond (Bank of Richmond), shall be and it thereby was granted, subject to the following condition and review comments:

CONDITION

Prior to final administrative site plan approval, the following site plan review comments shall be satisfactorily addressed.

REVIEW COMMENTS

1. When the overall site generates a total of 3,000 average daily trips, construction of a separate right turn lane along 360 at the site entrance will be required. The trips generated by the approved CVS (11,970 square feet) and this proposal total 1,940 average daily trips; therefore, a separate right turn lane is not required at this time. (T)
2. All road improvements associated with the CVS project (County site plan 03PR0299) must be completed prior to the issuance of a certificate of occupancy for this site. (T)

3. The ultimate right of way on 360 in this location is 100 feet measured from the centerline of the road. This right of way must be dedicated, free and unrestricted, to and for the benefit of Chesterfield County, prior to final site plan approval. If it is already dedicated then it must be shown as such on the site plan. (T)
4. Required water flows for fire protection purposes based on the International Fire Code - Section b105.2 and Table b105.1, shall be shown on the submitted drawings. Refer to the International Fire Code (2000) - Section b105.2 and its exception for sprinkler protected building allowances. Refer to the International Fire Code (2000) - Section b104, b104.1, b104.2 and b104.3 for the calculation process and allowances. The new reference was adopted by the Board of Supervisors on October 8, 2003 and the International Fire Code was adopted and effective on October 1, 2003 in Commonwealth of Virginia. The correct format and calculation sheet can be obtained via the internet at Chesterfield County- Chesterfield Fire and EMS-Division of Fire and Life Safety- <http://www.co.chesterfield.va.us/publicsafety/fire/plans.asp>. (F)
5. Provide computer generated water flow test data, provided by the Chesterfield County Utilities Department, verifying the required water flow for fire protection is available at the site. The water flow test results and graph shall be shown on the submitted plan. The minimum required fire flow for all buildings, with the exception of one (1) and two (2) family dwellings, is 1,500 gallons per minute (sprinkler protected or non-sprinkler protected) in accordance with the International Fire Code (2000) - Section b105.2 and Table b105.1. (F)
6. No landscaping of any type shall be placed within a three (3) foot radius of any fire hydrant, fire pump test header, fire department sprinkler system connection, fire department standpipe connection or fire suppression system control valve. Landscaping in the area of fire hydrants, fire pump test headers, fire department sprinkler system connections, fire department standpipe connections or fire suppression system control valve shall be of a type that will not encroach on the required three (3) foot clear radius on maturity of the landscaping. A note to this effect shall be added to the general notes section of the plan and to the landscaping plans. This requirement has changed with the adoption of the new Virginia Uniform Statewide Building Code (International Building Code (2000)) and Virginia Statewide Fire Prevention Code (International Fire Code (2000)). (F)
7. Parking stalls or other obstructions, as indicated in the International Fire Code (2000) - Section 508.5.4, shall not be placed in front of the access to fire hydrants, fire pump test headers, fire department sprinkler system connections, fire department standpipe connections or fire protection system control valves. (F)
8. Additional fire lane signs shall be provided at the main entrance. (F)
9. Show the County project number 04-0024 on the lower right hand corner of each sheet. (U)

10. Provide calculations to verify that the fire flow and domestic flows can be sustained with a residual pressure of twenty (20) psi. Show on the plans des-4 and 5. (U)
11. Show the fire flow calculations on the plans. (U)
12. Submit an engineer's checklist. (U)
13. Submit a meter sizing form for the irrigation meter. (U)
14. Revise the fire hydrant layout. Show a 24 x 6 tapping sleeve and valve, each meter with their own connection to the six (6) inch line, a six (6) inch valve and the fire hydrant at the end of the waterline. (U)
15. Show the County project number for the existing waterline on Hull Street Road. (U)
16. Show the number of the existing manholes that the lateral is tying into. (U)
17. Cross connection control and backflow prevention shall be in accordance with the Uniform Statewide Building Code. (U)
18. Add a note that beyond the water meter it is the plumber's responsibility to install the water service. (U)
19. The owner must enter into a County contract prior to the start of construction. Please send Gary Hartle of the Utilities Department a copy of the "accepted" bid proposal between the developer and the contractor so we may prepare the County contract. The bid proposal must be based on the approved site plan. All work must be performed by an acceptable utilities contractor. If the site plan is revised after the utility contract is prepared, a revised bid proposal may be necessary to accurately reflect the latest approved site plan, and a new contract preparation may be necessary. (U)
20. After complete administrative site plan approval, submit three (3) sets of plans directly to the Utility Department for our use. (U)
21. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of 1 acre or more), ground water and air quality". Final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (EE)
22. A benchmark must be shown with reference to mean sea level. (EE)
23. Provide a VDOT barricade at the terminus of the access road. (EE)
24. In the absence of a detailed soils report, the maximum velocity allowable on bare earth is 3.5 fps. Velocities between 3.5 fps and 4.0 fps require a jute lining and any velocities

greater than 4.0 fps require a structural lining of either rip rap or concrete. Address for the outfall channel downstream of Structure 1. (EE)

25. Profiles must be shown for all proposed outfall channels. Address for the open channel downstream of Structure 1. (EE)
26. Top of curb elevations must be shown at the nose of all radial curb and at all appreciable breaks in horizontal or vertical alignment. (EE)
27. Cg-6 is required where runoff flows towards the face of curb. (EE)
28. Drainage easements must be shown along any storm water conveyance system that receives runoff from offsite, from a public right of way or requires improvements on a downstream property owner. (EE)
29. A separate plan sheet must be added which only shows all proposed easements and right of way to be dedicated. Metes and bounds must be provided. (EE)
30. The erosion control sequence/narrative shall be divided into a minimum of two (2) phases. Phase I shall show the minimal amount of clearing to include dimensions for construction of all perimeter-control devices, and strategically placed sediment traps and basins, associated diversions and diversion dikes, and spoil and borrow areas for the installation of erosion control measures. Phase II will include all remaining clearing, grading and installation of remaining erosion control devices, installation of temporary and permanent improvements and temporary and permanent seeding and stabilization. (EE)
31. A note must be added to the erosion control narrative/sequence of construction stating that the certified responsible land disturber (crlld) must attend the pre-construction meeting. (EE)
32. Erosion control measures must be provided for the project for the initial clearing, grubbing and grading operations. The drainage areas must be outlined and the sediment trapping facilities designed on the worst case scenario. (EE)
33. Safety fence (std. & spec 3.01) is required around all sediment traps and sediment basins. (EE)
34. An MS-19 analysis must be performed at each point of concentrated discharge and at the downstream property line. (EE)
35. The following note(s) must be added to or adjacent to the erosion control narrative/sequence of construction: All offsite drainage easements must be recorded prior to issuance of a land disturbance permit for this project. (EE)
36. A data map must be submitted which outlines all drainage areas, impervious areas (existing and proposed), RPA and RMA limits, etc., that were utilized in determining compliance with the Chesapeake Bay Preservation Ordinance. (EE)

37. The Upper Swift Creek pro rata fee will be calculated once the data map has been submitted. (EE)
38. Permission must be obtained from the adjacent property owner(s) allowing for grading on the property as proposed prior to issuance of a land disturbance permit. (EE)
39. All offsite drainage easements must be recorded prior to issuance of a land disturbance permit for this project. (EE)
40. Prior to issuance of a land disturbance permit, a diskette/cd, the format of which shall be Autocad.dwg or dxf, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/cd must contain the following, each in a separate layer: final grading contour lines (five (5) foot intervals); proposed building footprint; all impervious area (parking lots, driveways, roads, etc); and the storm sewer system.

A layer report printed from Autocad must be submitted with the diskette/cd. Both the diskette/cd and the report must be labeled with the site plan name, site plan number and the engineering firm. All Autocad files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 datum. (EE)
41. A land disturbance permit is required for this project and the following are required prior to its issuance:
 - a. Substantial or full site plan approval;
 - b. Payment of the Upper Swift Creek pro rata fee; A letter must be received from a qualified wetlands expert stating:
 1. There are no wetlands impacted on this project, or
 2. All applicable federal and state wetland permits have been acquired (copies of the permits must be submitted). (EE)
42. Coordinate points based on the Virginia State Plane Coordinate System, South Zone, North American Datum 1983 are not present. Two (2) points must be shown on the parcel boundary. (EE)
43. The parent property Tax ID is incorrect. The correct Tax ID is: 727-673-3007-00000. (P)
44. Put a revision date on the plans. Resubmit twelve (12) full sets and one (1) copy of the site plan sheet to the planning department for your next review. Use the spaces below each comment to describe how you have addressed each review comment. Be sure to indicate which sheet(s) show the changes required by the review comment. Provide a transmittal letter describing any changes to the plans not caused by the staff review. (P)
45. Put the Chesterfield County site plan number (04PR0262) in the lower right corner of each sheet. (P)
46. Prior to the release of the building permit, two (2) copies of the building elevations meeting the specific architectural requirements of zoning Case 03SN0243 must be submitted and

approved. These elevations must be received separate of the construction document rolls that are submitted to the building inspections department.

- A. Elevations need to identify all building materials and colors and show all junction and access boxes, mechanical equipment and utility pad fixtures that are on or immediately adjacent to the building.
 - B. All junction and access boxes need to be screened or painted to match the building. If painted, this needs to be stated on the elevation.
 - C. Mechanical equipment, whether roof-top or ground level, shall be shielded and screened from public view and must be designed to be perceived as an integral part of the building. Building elevations need to show any rooftop units. Parapets and/or screens must be equal in height to any rooftop units, or sight line drawings must be provided to document that lower parapet height provides complete screening. If at the time the equipment is installed it is visible, the method of screening must be adjusted to provide the required screening. (P)
47. At a minimum, a conceptual landscape plan must be submitted prior to site plan approval that shows the following: all site improvements including utilities, storm sewer, easements and rights of way, fire hydrant and vault locations, and conceptual site lighting (if site is to be lit). This plan must be drawn to scale. The plan must include dimensions of perimeter yards and buffers and appropriate landscape requirements for each yard or buffer, interior parking lot areas, BMP areas and any other landscape requirements. The plan must show the general layout of existing and proposed trees and shrubs, designating them as large or small deciduous trees, evergreen trees, evergreen trees and shrubs and ground covers. (P)
48. The client can save additional review fees if a detailed landscape plan is submitted in lieu of a conceptual plan. In addition to the information shown on the conceptual plan, the detailed landscape plan shall show the following: plant sizes, specific plant species, County-required notes and details and any specific requirements for the site. (P)
49. Show the name, address, phone and fax numbers for the firm preparing the landscape plan. (P)
50. Two (2) separate copies of the lighting plan and cutsheets must be submitted directly to the Planning Department. The lighting plan and accompanying cutsheets for all building-mounted and free-standing lights must be approved prior to the release of a building permit. The lighting plan should show the location of all light fixtures. All light fixtures must be either a shoe box style with a flat lens or have full external shields (level with the bottom of the lens). (P)
51. Light poles for this site are limited to twenty (20) feet in height by zoning Case 03SN0243. (P)
52. Two (2) separate copies of the irrigation and/or hose bib plan must be submitted directly to the Planning Department. This plan must be approved prior to release of the building permit.

- A. All plants are to be within 100 feet of a hose bib if irrigation is not being used.
 - B. Ensure that water information is supplied on Utility Department Meter Sizing forms.
 - C. Show all connections to the main water line. Hose bibs should be shown on the landscape plan. Irrigation heads and coverage areas need to be shown on a separate irrigation plan. The number of trees to be retained in this area shall be not less than 35, to be selected by the Planning Department. (P)
53. The setback off of Hull Street Road must be labeled as fifty (50) foot setback and tree save area, landscape "C" required. Clearing and grading in this area are prohibited. Thinning is only allowed after a review of the setback by staff. The number of trees to be retained in this area shall be not less than thirty-five (35), to be selected by the Planning Department. (P/CPC)
54. Clearing along the western property line is permitted, but remember that required replanting may be mitigated by saving existing trees. The intent of the Ordinance is to have plantings along an entire setback, so saving trees at the rear of the setback will not eliminate the need for plantings where all of the trees have been removed. (P)
55. Remember that fifty (50) percent of parking area trees must be large maturing trees. Any islands containing large trees must be at least fifteen (15) feet wide. The islands shown may need to be enlarged to meet this requirement. (P)
56. The plantings along the western property line are in conflict with the existing plants on the site. Provide a note indicating that the final location of trees in this area will be determined in the field once grading is complete. (P)
57. A data or "cut" sheet must be provided for all high-intensity light fixtures whether building mounted or pole mounted showing that they are full cut-off fixtures. The traditional style street lamp light fixtures shown are available with internal shielding and flat lens configurations that meet Ordinance requirements. (P)
58. Specify height (not to exceed twenty (20) feet of lights. (P)
59. Indicate how and where water will be supplied to required plantings. (P)
60. Both setbacks contain trees, so credit will likely be given for trees that are saved. A site visit must be performed to accomplish this after completion of site grading; design consultant to schedule onsite meeting. (P)
61. The architecture presented is for the most part acceptable. The zoning case calls for the building to be architecturally compatible with the BB&T bank building and the executive center immediately to the north of the bank. This requirement applies to the CVS site and the Bank of Richmond site. As was discussed previously, materials and colors are important cues to accomplish this compatibility. The other issue is the "style" of the shopping center as a whole; that style is referred to as transitional contemporary. We define this term as taking a traditional style and transitioning it into a contemporary image. Your building exhibits a very strong "federal period" styling, but some elements of the

design are already expressed in a contemporary manner: no chimneys, modern entrance doors and simplified trim. The Doric columns are simple, clean, classical columns. Staff believes that the windows still present a strong "Federal Period" styling. Retain the brick jack arches. The number of window grills or mullions shall allow for not more than three (3) panes wide in double hung windows. (P/CPC)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

D. FIELD TRIP AND DINNER.

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip to visit request sites.

♦ **DINNER LOCATION.**

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to meet for dinner at John Howlett's Tavern.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

E. RECESS.

At approximately 4:06 p. m., the Commission recessed the Afternoon Session and returned to the Executive Session Meeting Room to continue the Work Session.

Mr. Gecker noted Mr. Bass had left the meeting due to a previous commitment but would be present for the 7:00 p. m. Evening Session.

WORK SESSION (continued)

F. DISCUSSION RELATIVE TO:

♦ **SWIFT CREEK RESERVOIR IN-LAKE PHOSPHORUS LEVELS FOR 2003.**

Ms. Joan Salvati and Mr. Weedon Cloe continued the presentation of a computer-generated overview of information relating to total phosphorus levels in Swift Creek Reservoir from 1992 through 2003.

There was discussion relative to graphs depicting the annual median total phosphorus concentrations for eight (8) sampling stations in the Reservoir; variations in the total phosphorus levels over time and among sites; results of several regression analyses conducted to determine the level of correlation between total suspended solids and turbidity, total suspended solids and total phosphorus and turbidity and total phosphorus; and other issues of concern.

G. VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) BONDING REQUIREMENTS.

In response to Mr. Litton's request, Mr. McElfish explained that, effective September 2001, the Virginia Department of Transportation (VDOT) required developers to have a geotechnical professional onsite;

contract with VDOT for a geotechnical professional; or post a bond at time of State acceptance. He further explained that when posting bonds the developers discovered the bond amounts were higher than County construction bonds; that VDOT advised the County that the roads would not be taken into the State Secondary Road System without the bonds; that the Environmental Engineering Department became involved and came up with a solution agreeable to VDOT; and VDOT reduced the amount of bonding required and, in some instances, reduced the time from five (5) to three (3) years.

♦ **ADJOURNMENT.**

The Commission adjourned the Work Session at approximately 4:25 p. m., agreeing to meet for dinner at 5:00 p. m. at John Howlett's Tavern.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Fred Moore led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Jacobson apprised the Commission of the agenda for the next two (2) months, noting that the May 18, 2004, agenda was comprised of eleven (11) cases and the June 15, 2004, agenda had a total of fifteen (15) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **REQUESTS FOR DEFERRAL BY INDIVIDUAL COMMISSIONERS.**

04SN0224: In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm

Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571 (Sheet 8).

Mr. Bass stated he wished to defer Case 04SN0224 to the May 18, 2004, Planning Commission meeting to allow the applicant an opportunity to address the Parks and Recreation Department's concerns.

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, concurred with Mr. Bass' recommendation.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 04SN0224 to the May 18, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

03SN0316: (Amended) In Midlothian Magisterial District, **JAMES DORAN CO.** requested rezoning and amendment of zoning district map from Agricultural (A), Community Business (C-3) and General Business (C-5) to Community Business (C-3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial, planned transitional and village fringe uses. This request lies on 34.5 acres fronting approximately 1,400 feet on the north line of Midlothian Turnpike approximately 400 feet west of Winterfield Road, also fronting approximately 1,040 feet on the west line of Winterfield Road approximately 500 feet north of Midlothian Turnpike. Tax IDs 724-709-2311, 2528, 4210, 5831, 6911, 7661 and 9121; and 725-709-1125 and 7635 (Sheet 5).

Mr. Gecker stated he wished to defer Case 03SN0316 to the May 18, 2004, Planning Commission meeting to allow the applicant an opportunity to address transportation concerns.

Mr. William Shewmake, the applicant's representative, concurred with Mr. Gecker's recommendation.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 03SN0316 to the May 18, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

04SN0221: In Matoaca Magisterial District, **MARY KEY** requested rezoning and amendment of zoning district map from Residential (R-15) to Agricultural (A). Residential use of up to 1.0 unit per acre is

permitted in an Agricultural (A) District. The Comprehensive Plan suggests the property is appropriate for rural conservation use. This request lies on 9.8 acres fronting approximately 980 feet on the north line of Physic Hill Road, also fronting approximately 380 feet on the west line of Celtic Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 721-654-1741, 2751, 3958, 5431, 7411 and 9017 (Sheet 23).

Ms. Mary Key, the applicant, accepted staff's recommendation.

Mr. Tom Austin, an area resident, voiced opposition to the keeping of stock farm animals in a residential community.

Since there was opposition present, it was the consensus of the Commission to place Case 04SN0221 with those cases requiring discussion.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0228: In Bermuda Magisterial District, **FAMILY TIME COURTHOUSE, LLC** requested amendment to Conditional Use Planned Development (Case 95SN0109) and amendment of zoning district map to permit a child care center. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies in a Neighborhood Office (O-1) District on 2.8 acres fronting approximately 200 feet on the west line of Rivers Bend Boulevard, approximately 250 feet south of Hogans Drive. Tax ID 815-653-1888 (Sheet 27).

Mr. Jim Womack, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0228, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

The following uses shall not be permitted:

- a. Convalescent homes, nursing homes, rest homes.
- b. Group care facilities.
- c. Non-profit civic, social and fraternal lodge.
- d. Propagation of crops, flowers, trees or shrubs for sale.
- e. Public and private forests and wildlife preserves. (P)

(Note: This condition supersedes Section D, Number 4 of the Textual Statement of Case 95SN0109 for the request property only. All other conditions of Case 95SN0109 shall remain applicable.)

PROFFERED CONDITIONS

1. An opaque wooden or vinyl fence at least six (6) feet in height shall be constructed along the western property line. Such fence shall be located at least forty (40) feet from the western property line. (P)
2. The required forty (40) foot buffer along the western property line shall be planted in accordance with Perimeter landscaping C (option I). In addition, a single row of Leyland Cypress having an initial height of a minimum of four (4) feet shall be planted eight (8) feet on center within this buffer. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0157: (Amended) In Matoaca Magisterial District, **DOUGLAS R. AND SUSAN S. SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) of 80.8 acres with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 to 2.2 units per acre or less. This request lies on 80.8 acres fronting approximately 3,230 feet on the north line of Beach Road, also fronting approximately 530 feet on the east line of Baldwin Creek Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 707-660-8583 and 709-662-5658 (Sheet 23).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, accepted staff's recommendation.

In response to a question from Mr. Gulley, Mr. Rudy stated he was not aware of, and had not seen, a condition requiring the installation of regional BMPs not-yet constructed downstream of proposed zoning cases.

Mr. Bass stated he felt the conditions, outlined in the "Request Analysis," adequately addressed the drainage requirements and that the regional BMPS would be in place.

Mr. Gecker suggested Case 04SN0157 be placed with those cases requiring discussion to allow Mr. Rudy and his client an opportunity to review the regional BMP condition.

◆ COMMUNICATIONS TOWERS POLICY AND CODE AMENDMENTS.



Consideration of amendments and revisions to the County's policy, "Guidelines for Review of Substantial Accord Determinations and/or Zoning Approval for Communications Tower Locations" and "Guidelines for Administrative Review of Substantial Accord Determinations and/or Zoning Approval for Communications Tower Locations" regarding locations and standards for communication towers.

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-65, 19-102, 19-107.1, 19-124, 19-131, 19-173 and 19-181 and adding Section 19-

113.1 relating to communications towers allowed in Residential, Manufactured Home, Agricultural, Office, Commercial and Industrial Zoning Districts, subject to certain restrictions.

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-507 and adding Section 19-507.2 relating to height exemptions and limitations for communications towers.



Mr. Bass declared a conflict of interest relative to the co-location portion of the proposed Ordinance Amendments as he was retired from Dominion Virginia Power, indicated he would recuse himself from voting and left the meeting at approximately 7:18 p. m.

Ms. Orr presented an overview of the proposed Policy and Code Amendment proposals, highlighting the modifications.

No one came forward to speak in favor of, or in opposition to, the proposals.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of the following Policies and Code Amendments:

Tower Siting Policy

Guidelines for Review of Planning Commission and Board of Supervisors Substantial Accord Determinations and/or Zoning Approval for Communications Tower Locations

(NOTE: In general, the following are the guidelines which will be used to deliberate a proposed tower location relative to Substantial Accord and/or Zoning approval. Meeting these guidelines will not automatically address site specific concerns. Additional conditions may be imposed and/or recommended to address such concerns to further insure compliance with the Plan for Chesterfield or the purposes of the Zoning Ordinance in the instance of a zoning action.)

- A. Typically, the tower should be located in an area designated on the Comprehensive Plan for general commercial, general industrial and/or agricultural/forestal use.
- B. Typically, the tower should also satisfy the locational and design criteria for towers outlined in the Public Facilities Plan. The Public Facilities Plan suggests that:
 - 1) The tower should, where appropriate, be located in the vicinity of other existing towers and the tower should generally be designed to allow for shared use.
 - 2) The tower should generally be located away from existing or planned areas of residential, recreational and similar types of development. Specifically, towers should generally be located away from agriculturally zoned land identified on the Comprehensive Plan for residential use, residences on agriculturally zoned land, residentially zoned property, villages, schools, parks, community recreational facilities or similar development.

- 3) Views of the tower from such existing or planned areas of development should be minimized.
- C. If a tower is to be located in the vicinity of existing or planned areas of development or other high visibility areas, such as near the intersections of major roads or along rivers, the tower should be architecturally incorporated in the design of an existing structure, such as a church or office building, or possess design features that mask the utilitarian nature of the tower. Otherwise, the tower should be located as remotely as possible from existing or planned areas of development or other high visibility areas and on property that is densely wooded with mature trees. Measures should be taken to insure the preservation of a mature stand of trees around the tower. The stand of trees should be of sufficient width, height and density to minimize views of the tower. Further, any antennas of other tower-mounted equipment should be designed, spaced, placed, and/or masked so as to minimize the visual impact.
 - ~~D. In areas designated on the Comprehensive Plan for residential use of 0.5 units per acre or less or rural conservation, towers may be appropriate where physical features such as topographical changes and streams (non-RPA and RPA) provide a boundary to future development.~~
 - ~~E. Under certain circumstances where the tower or antennae is designed to mask the improvement, co-location on stadium light poles at schools and parks athletic facilities; on electrical transmission structures; or on water towers and similar structures may be appropriate.~~
 - ~~D.~~ F. The tower should be located and/or designed so as not to create a hazard for air navigation or affect the operations of the Chesterfield County Airport.
 - ~~E.~~ G. The tower should be located to minimize the possibility of any adverse impact on existing or planned areas of development, the Chesterfield County Communications System and the County Airport. To address these concerns, the following is a list of conditions typically recommended for imposition on tower requests:
 1. There shall be no signs permitted to identify this use. (P)
 2. The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground mounted equipment or structures from adjacent properties. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. (P)
 - ~~3. The tower and equipment shall be designed and installed so as not to interfere with Chesterfield County Communications System. At the time of site plan review,~~

~~the owner/development shall submit information as deemed necessary by the Chesterfield County Communications and Electronics staff to determine if an engineering study should be performed to analyze the possibility of radio frequency interference with the County system, based upon tower location and height, and upon the frequencies and effective radiated power generated by tower-mounted equipment. Prior to release of a building permit the study, if required, shall be submitted to, and approved by, the Chesterfield County Communications and Electronics staff. (GS)~~

4. 3. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such correction shall be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)

5. 4. The color and lighting system for the tower shall be as follows:

a. The tower shall be gray or another neutral color, acceptable to the Planning Department.

b. The tower shall not be lighted.

(NOTE: This requirement shall not apply to areas where towers are allowed by the Zoning Ordinance to exceed 199 feet. At the time of application, if lighting is desired, detailed plans as to the proposed lighting shall be submitted. Those details will be reviewed by the staff, Planning Commission and Board of Supervisors to determine if lighting would have a negative impact on the surrounding area. Generally, if lighting is determined not to have an adverse impact, the following condition will typically be recommended: Lighting during daylight hours shall be limited to medium intensity strobe lights with upward reflection and lighting during night-time hours shall be limited to soft blinking lights with upward reflection.)

c. The tower shall be a monopole structure. (P)

(NOTE: This requirement shall not apply to areas where towers are allowed by the Zoning Ordinance to exceed 199 feet. At the time of application, if alternative treatment of the tower is desired, or determined to be appropriate given the location such as in a residential area, detailed plans as to the proposed alternative treatment shall be submitted. Those details will be reviewed by the staff, Planning Commission and Board of Supervisors to determine if the alternative design would have a negative impact on the surrounding area. Such treatments, which are designed to disguise the appearance of the tower, may include masking devices, design features or incorporation into the architectural design of a building.)

6. 5. Any building or mechanical equipment shall comply with Section (area in which located) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section (area in which located) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment. Provided, however, that in I-2 and I-3 Districts, such equipment need not be screened from view of any I-2 or I-3 District or any public right of way which does not accommodate or is not intended to accommodate through traffic movements.)

7. 6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property.
(P)

(NOTE: These conditions are subject to modifications that address site-specific concerns.); and

Tower Siting Policy

Guidelines for Administrative Review of Substantial Accord Determinations for Communications Tower Locations

(NOTE: Meeting these guidelines should address most of the concerns that tower siting requests typically generate. However, meeting these guidelines will not automatically address site-specific concerns or grant Substantial Accord approval. Staff may, through the administrative process, recommend that the applicant seek Planning Commission approval or recommend appropriate conditions to insure that the tower site is in Substantial Accord with the Comprehensive Plan.)

Administrative review of Substantial Accord Determinations for communications tower locations may be performed if:

- A. The tower site is zoned to permit the tower use.
- B. The tower site location and/or surrounding land uses mitigate the impact of the tower on existing and future areas of development, to include be not limited to: agriculturally zoned land identified on the Comprehensive Plan for residential use, residences on agriculturally zoned land, residentially zoned property, villages, schools, parks, community recreational facilities or similar development. Specifically, administrative review will be performed only if: a) an intermediate commercial or industrial use exists between the tower site and such development; and b) the tower meets minimum setbacks from such development. ~~of forty (40) feet plus one (1) foot for each foot the tower exceeds a height of forty five (45) feet.~~

If the tower site is located a minimum distance of 1,000 feet from residences on agriculturally zoned land, residentially zoned property, villages, schools, parks, community recreational facilities or similar development, or a minimum distance of 500 feet from agriculturally zoned land identified on the Comprehensive Plan for residential use, an intermediate commercial or industrial use will not be required.

If the tower is incorporated into the architectural treatment of a permitted use, an intermediate use or the 1,000 and 500 foot distance requirements will not be required. The tower must still comply with the minimum setbacks. ~~specified above.~~

- C. The tower site location and/or surrounding land uses mitigate the impact of the tower on high visibility areas, such as along major traffic corridors, near the intersections of major roads or along the James River. Administrative review will be performed only if: a) an intermediate commercial or industrial use exists between the tower site and such high visibility areas; and b) the tower meets minimum setbacks. ~~from such areas of forty (40) feet plus one (1) foot for each foot the tower exceeds a height of forty five (45) feet.~~

If the tower site is located a minimum distance of 1,000 feet from such areas, an intermediate commercial or industrial use will not be required.

If a 100 foot buffer of mature trees at an elevation that will mitigate the view of the tower is preserved between the tower and high visibility areas, an intermediate use or the 1,000 foot distance requirement will not be required. The tower must still comply with the minimum setbacks specified above. To insure that the buffer of trees will mitigate the view of the tower, the topography of the buffer area should be at no point lower than ten (10) feet below the elevation of the base of the tower.

If the tower is incorporated into the architectural treatment of a permitted use such as, but not limited to, stadium light poles at school and parks athletic facilities, church steeples or electrical transmission structures, an intermediate use, or buffer of 1,000 feet will not be required. The tower must still comply with the minimum setbacks. ~~specified above.~~

(NOTE: Buffers required by Ordinance or by conditions of zoning would remain applicable.)

- D. The tower should be located and/or designed so as not to create a hazard for air navigation or affect the operations of the Chesterfield County Airport, as determined by the Director of Aviation Services.

If these criteria cannot be met, the Substantial Accord will be reviewed by the Planning Commission through the public hearing process.

(NOTE: Under the Substantial Accord Policy of Chesterfield County, the following procedures apply:

- A. An administrative finding that the tower is in Substantial Accord with the Plan must be reviewed by the Planning Commission. The Commission may affirm or vacate the finding.

If the Commission affirms the administrative finding, the tower is deemed to be in Substantial Accord with the Plan. The Board of Supervisors does not review this decision unless the decision is appealed by the applicant.

- B. If the Commission vacates the administrative finding, a public hearing will be scheduled before the Planning Commission which will then determine if the tower is in Substantial Accord with the Plan.
- C. The Commission's finding is then reviewed by the Board of Supervisors. The Board may overrule or affirm the Commission's finding or refer the matter back to the Commission for further public hearing. Also, the applicant may appeal the Commission's finding to the Board.); and

(1) *That Sections 19-65, 19-102, 19-107.1, 19-124, 19-131, 19-173, and 19-181 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted and Section 19-113.1 be added to read as follows:*

DIVISION 4. R-88 RESIDENTIAL DISTRICT

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Sec. 19-65. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-88 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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- (d) Communications towers, provided that:
 - (1) antennae are co-located on electric transmission structures.
 - (2) antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the electric transmission structure and such height does not exceed the limitations of sections 19-507 and 19-507.2.
 - (3) antennae shall be gray or another neutral color acceptable to the planning department.
 - (4) any building or mechanical equipment shall comply with Emerging Growth Area Development Standards relative to architectural treatment and screening of mechanical equipment.
 - (5) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

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DIVISION 11. R-TH RESIDENTIAL-TOWNHOUSE DISTRICT

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Sec. 19-102. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-TH District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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- (c) Communications towers, provided that:
- (1) antennae are co-located on electric transmission structures.
 - (2) antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the electric transmission structure and such height does not exceed the limitations of sections 19-507 and 19-507.2.
 - (3) antennae shall be gray or another neutral color acceptable to the planning department.
 - (4) any building or mechanical equipment shall comply with Emerging Growth Area Development Standards relative to architectural treatment and screening of mechanical equipment.
 - (5) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

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DIVISION 12. R-MF MULTIFAMILY RESIDENTIAL DISTRICT

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Sec. 19-107.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-MF District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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(b) Communications towers, provided that:

- (1) antennae are co-located on electric transmission structures.
- (2) antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the electric transmission structure and such height does not exceed the limitations of sections 19-507 and 19-507.2.
- (3) antennae shall be gray or another neutral color acceptable to the planning department.
- (4) any building or mechanical equipment shall comply with Emerging Growth Area Development Standards relative to architectural treatment and screening of mechanical equipment.
- (5) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

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DIVISION 13. MH-1 MANUFACTURED OR MOBILE HOME PARK DISTRICT

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Sec. 19-113.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the MH-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

(a) Communications towers, provided that:

- (1) antennae are co-located on electric transmission structures.
- (2) antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the electric transmission structure and such height does not exceed the limitations of sections 19-507 and 19-507.2.
- (3) antennae shall be gray or another neutral color acceptable to the planning department.
- (4) any building or mechanical equipment shall comply with Emerging Growth Area Development Standards relative to architectural treatment and screening of mechanical equipment.

- (5) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

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DIVISION 15. AGRICULTURAL DISTRICT

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Sec. 19-124. Uses permitted with certain restrictions.

The following uses shall be permitted in the A District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

~~(1)~~ (a) Access to any land located in an office, business or industrial district or used for an office, business or industrial purpose, provided that the property is designated for office, business or industrial use on the comprehensive plan.

~~(2)~~ (b) Family day-care homes provided that no more than five children exclusive of the provider's own children and children who reside in the home receive care at any one time during a 24-hour day.

~~(3)~~ (c) Stock or dairy farms, including all buildings and structures necessary to such use and the keeping, storage or operation of any vehicle or machinery necessary to such use, provided that the lot or parcel has at least three acres.

(d) Communications towers, provided that:

- (1) antennae are co-located on electric transmission structures.
- (2) antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the electric transmission structure and such height does not exceed the limitations of sections 19-507 and 19-507.2.
- (3) antennae shall be gray or another neutral color acceptable to the planning department.
- (4) any building or mechanical equipment shall comply with Emerging Growth Area Development Standards relative to architectural treatment and screening of mechanical equipment.
- (5) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

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DIVISION 16. O-1 NEIGHBORHOOD OFFICE DISTRICT

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Sec. 19-131. Uses permitted with certain restrictions.

The following uses shall be permitted in the O-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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(i) Communications towers, provided that:

- (1) antennae are co-located on electric transmission structures.
- (2) antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the transmission structure supporting the high tension electrical transmission lines and such height does not exceed the limitations of sections 15-507 and 19-507.2.
- (3) antennae shall be gray or another neutral color acceptable to the planning department.
- (4) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

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DIVISION 22. C-5 GENERAL BUSINESS DISTRICT

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Sec. 19-173. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-5 District, subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

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(f) Communication towers, provided that such use is not located in the Eastern Midlothian Turnpike Corridor, except as specified in 19-131(i).

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DIVISION 23. I-1 LIGHT INDUSTRIAL DISTRICT

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Sec. 19-181. Uses permitted with certain restrictions.

The following uses shall be permitted in the I-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

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(b) Uses permitted in the C-1 District, artist material and supply stores, health clubs, messenger or telegraph services and office supply stores provided that: (1) such uses shall only be permitted in projects of 25 acres or more; (2) at no time shall such uses exceed 30 percent of the gross floor area under construction or occupied by permitted uses in such projects; (3) such uses are located internally to the project, not along any road on the periphery of the project; and (4) shall be primarily for the convenience of the employees of the industrial uses; ~~and~~.

~~(5)~~ (c) ~~e~~Communication towers, provided that the structure is architecturally incorporated into the design of a building.

(d) Communication towers, provided that:

(1) antennae are co-located on electric transmission structures.

(2) antennae are a flush-mount design and do not exceed a height of twenty (20) feet above the height of the transmission structure supporting the high tension electrical transmission lines and such height does not exceed the limitations of sections 15-507 and 19-507.2.

(3) antennae shall be gray or another neutral color acceptable to the planning department.

(4) at such time as the antennae ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

~~(e)~~ (e) Schools--commercial, trade, music, dance, business, vocational and training, provided they are located on the interior of the project and not along roads located on the periphery of the project.

~~(4)~~ (f) Public and private utility uses, so long as they require a structure, to include all water and waste water pumping stations; electric, gas, communications and natural gas, liquefied petroleum gas (LPG) and petroleum products transmission facilities; in addition, natural gas, liquefied gas and petroleum products transmission facilities above and below ground, provided that all such uses which are visible from adjacent R, R-TH, R-MF or O Districts or properties zoned Agricultural (A) and shown on the

comprehensive plan as residential or office uses shall be enclosed within a structure having a style and character compatible with surrounding residential or office structures or shall be completely screened from view from such adjacent properties.

~~(e)~~ (g) Satellite dishes, provided that:

- (1) The dishes are accessory to a principal use; and
- (2) The diameter of the dish does not exceed 12 feet.

~~(f)~~ (h) Wholesale greenhouses, hot houses and nurseries provided that nothing except plant materials is stored outside of a completely enclosed building.

~~(g)~~ (i) One temporary mobile home, provided that a mobile home has been legally on the property within the past six months and the board of supervisors grants a mobile home permit to allow the use to continue.

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(2) *That this ordinance become effective immediately upon adoption.* (1923:64829.1-Revised 03/26/04 1:07 PM); and

(1) *That Section 19-507 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted and Section 19-507.2 be added to read as follows:*

ARTICLE VII. DEVELOPMENT STANDARDS MANUAL

DIVISION 1. DEVELOPMENT STANDARDS

Subdivision I. General Provisions – Countywide

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Sec. 19-507. Height exemptions and limitations.

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(f) Except for the height limits set forth in this section and the limitations of section 19-507.1 and 19-507.2, no other height limitation specified in the zoning ordinance shall apply to church spires, belfries, cupolas, domes, heat transfer units, tanks, monuments, water towers, chimneys, flues, amateur radio antennas, radio or television antennas, or similar structures having an aggregate area less than 25 percent of the ground floor building area; to the parapet walls or bulkheads extending not more than four feet above the limiting height of the building; or to grain elevators, derricks or other necessary industrial, utility or public service structures; provided that no such structure shall exceed a height as noted in the following chart:

TABLE INSET:

<i>District</i>	<i>Height</i>	<i>Comments</i>
A	150	Subject to the required yards specified in section 19-555(1) for accessory buildings and structures. No structure shall penetrate the floor of any of the zones noted in this section.
R or R-TH	50*	Subject to the required yards specified in section 19-555(1) for accessory buildings and structures. No structure shall penetrate the floor of any of the zones noted in this section. * Amateur radio antennas may be increased to a height of 75 feet in R and R-TH Districts subject to the yard requirements specified in section 19-555(1).
R-MF, O-1, or C-1	75	Subject to the required yards for principal structures of the respective zoning district. No structure shall penetrate the floor of any of the zones noted in this section.
Any other district	150	Subject to the required yards for principal structures of the respective zoning district. No structure shall penetrate the floor of any of the zones noted in this section.

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Section 19-507.2. Height exemptions and limitations – all districts.

In areas designated on the Comprehensive Plan for rural conservation use, the height of communications towers may be increased to a height of 300 feet and in all other areas may be increased to a height of 199 feet. These increases in height are subject to yard requirements of the specific districts in which the communications towers are located.

(2) *That this ordinance become effective immediately upon adoption.* (1923:64844.1-Revised 03/26/04 1:12 PM)

AYES: Messrs. Gecker, Litton, Wilson and Gulley.
ABSENT: Mr. Bass.

Mr. Bass returned to the meeting at approximately 7:29 p. m.

◆ **COMPREHENSIVE PLAN AMENDMENT.**

◆ ◆ ◆

An amendment to the Central Area Plan and the Thoroughfare Plan, parts of the Plan For Chesterfield, as the Plan relates to the Chesterfield County Government Center Master Plan geography and surrounding area of the County. The Central Area Plan amendment area is bounded by Route 288 to the north, by

Route 10 and Lori Road to the south and west and by Krause and Salem Church Roads to the east. The Central Area Plan, if adopted by the Board of Supervisors, will become part of the Plan For Chesterfield, the County's Comprehensive Plan. Among other things, the proposed amendments would include the geography of the current Chesterfield County Government Center Master Plan in the geography of the Central Area Plan and also would remove extraneous and dated information from the text of the Central Area Plan. Additional text and map changes may be made or recommended after receiving public comment at the public hearing. The Plan For Chesterfield is used by County citizens, staff, the Planning Commission and Board of Supervisors as a guide for future decisions affecting the County including, but not limited to, decisions regarding future land use, road networks and zoning actions.



Mr. Bowling presented an overview of the proposed Plan Amendment and staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the proposal.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of an amendment to the Central Area Plan and the Thoroughfare Plan, parts of the Plan For Chesterfield, as the Plan relates to the Chesterfield County Government Center Master Plan geography and surrounding area of the County, which area is bounded by Route 288 to the north, by Route 10 and Lori Road to the south and west and by Krause and Salem Church Roads to the east.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Mr. Jacobson recalled Cases 04SN0221, Mary Key and 04SN0157, Douglas R. and Susan S. Sowers.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT (continued).**

04SN0221: In Matoaca Magisterial District, **MARY KEY** requested rezoning and amendment of zoning district map from Residential (R-15) to Agricultural (A). Residential use of up to 1.0 unit per acre is permitted in an Agricultural (A) District. The Comprehensive Plan suggests the property is appropriate for rural conservation use. This request lies on 9.8 acres fronting approximately 980 feet on the north line of Physic Hill Road, also fronting approximately 380 feet on the west line of Celtic Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 721-654-1741, 2751, 3958, 5431, 7411 and 9017 (Sheet 23).

When asked, no one came forward to speak in favor of, or in opposition to, the request.

In response to Mr. Bass' inquiry, Ms. Key indicated a condition precluding the placement of a manufactured home on the property was acceptable; however, she did not intend to place a manufactured home on the property.

Mr. Mincks indicated, in accordance with State Code regulations, the County could not accept a proffer or impose a condition to prohibit placing a manufactured home on the property and that once the request for rezoning the subject property to agricultural was approved a manufactured home could legally be placed on the property.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0221 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Any stock farm use shall be limited to the keeping of four (4) horses.
2. All facilities and areas associated with the keeping of stock animals (stables, pastures, etc.) shall be cleaned and made free of waste on a regular basis. In addition, the property owner shall employ a means of eliminating any odor problems and propagation of insects.
3. Any private kennel use shall be limited to the keeping of four (4) dogs.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0157: (Amended) In Matoaca Magisterial District, **DOUGLAS R. AND SUSAN S. SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) of 80.8 acres with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 to 2.2 units per acre or less. This request lies on 80.8 acres fronting approximately 3,230 feet on the north line of Beach Road, also fronting approximately 530 feet on the east line of Baldwin Creek Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 707-660-8583 and 709-662-5658 (Sheet 23).

Mr. Rudy stated he and his client had reviewed and accepted the regional BMP proffer.

Ms. Marlene Durfee, a County resident and member of the Citizens Task Force for Responsible Growth, did not support the proposed rezoning but did support the regional BMP proffer concept.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0157, subject to the following conditions and acceptance of the following proffered conditions:

CONDITIONS

1. The Textual Statement, dated March 5, 2004, shall be considered the master plan. (P)
2. In conjunction with the initial tentative subdivision plan review, an overall plat shall be submitted for the residential portion of this request depicting the acreages for that property which does and does not drain to the Swift Creek Reservoir for the purpose of confirming overall project densities. (P)

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or

assigns, proffer that the development of the properties known as Chesterfield County Tax IDs 709-662-5658-00000 and 707-660-8583-00000 (the "Property") under consideration will be developed according to the attached Textual Statement and the following conditions if, and only if, the rezoning requests for R-12 as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. (a) Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed.
- (b) Drainage. In order to ensure that the drainage on the property is adequately handled, the Applicant proffers to: (i) replace all culvert pipes under Beach Road and/or Baldwin Creek Road to ensure adequate size to handle the ultimate upstream drainage area, or (ii) retain water onsite so that the existing pipes remain adequate, or (iii) a combination of (i) and (ii) above. (EE)
2. Utilities.
 - (a) Public water shall be used.
 - (b) Public wastewater gravity sewer shall be used.
 - (c) Prior to the issuance of the first building permit for each tentative subdivision plat or prior to the issuance of a building permit for each site plan approved for the Property, the developer shall make payment to Chesterfield County in the amount of \$200.00 per acre for that particular plat or plan as a contribution towards the expansion of the Dry Creek Wastewater Pump Station. The total contribution shall be based on the total acreage served by the public wastewater system. (U)
3. Transportation.
 - (a) In conjunction with recordation of the initial subdivision plat or prior to any site plan approval, whichever occurs first, forty-five (45) feet of right-of-way along the north side of Beach Road (State Route No. 655), measured from the centerline of that part of Beach Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
 - (b) A revised centerline for the realignment of Baldwin Creek Road at its intersection with Beach Road shall be submitted to and approved by this Transportation Department. In conjunction with recordation of the initial subdivision plat or prior to any site plan approval, whichever occurs first, forty-five (45) feet of right-of-way along the east side of Baldwin Creek Road (State Route No. 730), measured from the approved revised centerline of that part of Baldwin Road immediately adjacent

to the entire property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

- (c) No direct access shall be provided from the property to Baldwin Creek Road.
- (d) Direct access from the property to Beach Road shall be limited to no more than three (3) public roads. The westernmost access to Beach Road shall be located approximately 750 feet from the approved revised alignment of the Baldwin Creek Road intersection as described in Proffered Condition 3(b). The exact location of these accesses shall be approved by the Transportation Department.
- (e) To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - (i) Construction of additional pavement along Beach Road at each approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - (ii) Widening/improving the north side of Beach Road and the east side of Baldwin Creek Road to an eleven (11) foot wide travel lane, measured from the centerline of the roads, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the entire property frontage.
 - (iii) Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire the right of way necessary for the road improvements as described above, the Developer may request in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right of way, the developer shall be relieved of the obligation to acquire the "off-site" right of way and shall be required only to provided the road improvements that can be accommodated within available rights of way as determined by the Transportation Department.
- (f) Prior to any construction plan or site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 3(e), shall be submitted to and approved by the Transportation Department. (T)

4. Age Restriction. Lots for Age-Restricted Dwelling Units shall be grouped together on a particular portion of the Property and shall not be scattered among other residential units. At the time of recordation of a subdivision plat or the approval of any site plan, the lots

shall be noted age-restricted. Any Site Plan for Age Restricted Dwelling Units shall also note the restriction. (P)

5. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the property:

- (a) The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall Swift building cost index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.
- (b) Provided, however, that if any building permits issued on the property are for senior housing, the units of which meet the occupancy requirements for "age 55 or over" housing as set forth in Section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the Rezoning, and which are subject to the occupancy requirements that no person under 19 shall reside in such unit, the amount approved by the Board of Supervisors, but not to exceed \$4,815 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004. At the time of payment, the \$4,815 will be allocated pro-rata among the facility costs as follows: \$598 for parks and recreation, \$324 for library facilities, \$3,547 for roads, and \$346 for fire stations. Payments in excess of \$4,815 shall be prorated as set forth above.
- (c) If any of Cash proffers are not expended for the purpose designated by the Capital Improvements Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B & M)

6. Density.

- (a) The total number of residential units on that portion of the property requested to be rezoned R-12 which drains to the Swift Creek Reservoir shall not exceed two (2) units per acre. (Note: The Applicant has determined that 17 acres, more or less, of said request parcel does drain to the reservoir).
- (b) The total number of residential units on that portion of the property requested to be rezoned R-12 which does not drain to Swift Creek Reservoir shall not exceed 2.2 single family residential units per acre. (Note: The Applicant has determined that 63.684 Acres, more or less, does not drain to the reservoir) (P)

7. Phasing. No residential building permits shall be issued until January 1, 2007. Thereafter, a maximum of 82 residential building permits shall be issued prior to January 1, 2008, a cumulative maximum of 164 residential building permits shall be issued prior to January 1, 2009, with the remaining building permits issued after said January 1, 2009. (P)
8. Temporary sediment basins shall remain in place and/or new BMPs constructed to achieve the .22 phosphorus standard until the downstream Regional BMP into which the development will drain has been constructed. (EE)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

03SN0324: In Matoaca Magisterial District, **NELSON DAVIS KYLE, II** requested Conditional Use and amendment of zoning district map to permit an outdoor recreational facility. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation use. This request lies in an Agricultural (A) District on 4.0 acres fronting approximately 240 feet on the north line of Ivey Mill Road, approximately 3,000 feet west of River Road. Tax ID 742-630-8924 (Sheet 39).

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land use failed to comply with the Southern and Western Area Plan.

Mr. Nelson Kyle, II, the applicant, did not accept staff's recommendation, noting the property was used not only as a go-cart track but also for family outdoor recreational uses and that the property had been gated and security lighting installed to prevent problems with trespassers.

Mr. David Poser, a resident of Chesdin Landing Drive, stated he did not have a problem with the use but he was concerned that a large number of invited guests/family members would generate noise pollution and disturbance issues.

Mr. Bass agreed that the proposed zoning and land use did not comply with the area Plan and stated he felt approval was inappropriate.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend denial of Case 03SN0324.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

02SN0238: (Amended) In Matoaca Magisterial District, **DOUGLAS R. SOWERS** requested amendment to Conditional Use Planned Development (Case 88S008) and amendment of zoning district map on part of property which is commonly known as Greenspring's A. E. Howard and Rose tracts. Specifically, the applicant desires to develop this 208.5 acre tract as a single development from the originally-zoned 1,312.7 acre tract. In general, amendments are requested relative to the approved Master Plan, historic structures, provision of a golf course, road improvements, land dedications and reservations, utilities, drainage,

erosion and water quality. A mixed use development consisting of residential, office and commercial uses is planned. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and single family residential use of 2.0 units per acre or less. This request lies in Residential (R-9) and Corporate Office (O-2) Districts on 208.5 acres fronting in two (2) places for a total of approximately 2,050 feet on the east line of Otterdale Road, approximately 2,900 feet south of Gamecock Road. Tax IDs 716-691-4229 and 718-691-6889 (Sheet 9).

Ms. Peterson presented an overview of the request and staff's recommendation for approval of Amendments I through IV and VI and denial of Amendment V.

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation for approval of Amendments I through IV and VI but did not accept the recommendation for denial of Amendment V, specifically Proffered Condition 6.e. which required a traffic analysis, pointing out that his client had proffered significant transportation improvements above and beyond the impact his development would have on the community and did not feel he should be required to construct roads which were necessitated by other developments.

Mr. Gecker opened the discussion for public comment.

Ms. Marlene Durfee, representing the Task Force for Responsible Growth, supported the transportation conditions, outlined in the "Request Analysis."

Mr. Wade McClintock, a resident of Otterdale Road, expressed concerns relative to increased traffic volumes, speeding and narrow streets and stated he felt it unfair to subject area residents to the increased traffic and potential safety hazards generated by the proposed development.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Bass stated he felt the County needed, and should take advantage of, the significant road improvements proposed by this request and he planned to recommend approval of the request.

Mr. Gulley stated he felt the required funding should be provided by the individual who impacted traffic at the existing intersection; however, he would support Mr. Bass's recommendation to accommodate relief to the County's road network.

Mr. Gecker stated he felt growth should pay for growth, he did not think the County requirement for improvements to the road network was unfair and he could not support the request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 02SN0238, subject to the following conditions and acceptance of the following proffered conditions:

CONDITIONS

1. The Textual Statement, titled Greenspring: Conditional Use and Zoning Application, revised April 1, 1988, including the "Residential Site Development Criteria" table, Exhibit IV and the conditions of zoning for Case 88S008 and the Conceptual Master Plan, dated

February 6, 2004, shall be the Master Plan for the subject property, except as stated herein. And further, provided that the subject property shall be permitted to be considered as a separate project from the remaining portion of that land area covered under Case 88S008. (P)

2. All references and requirements relating to golf in the Textual Statement and conditions of zoning for Case 88S008 shall be deleted. (P)
3. The requirement to restore the Tomahawk and Ellett Hancock structures shall be deleted. (P)
4. All references and requirements relating to the plan entitled "Conceptual Site Development Plan - Greenspring - Chesterfield County, Virginia" in the Textual Statement and conditions of zoning for Case 88S008 shall be deleted. (P)

(Note: Conditions 1 through 4 supersede Condition 1 of Case 88S008 for the request property only.)

5. The requirements of Conditions 7, 9, 11 and 20 of Case 88S008 shall be deleted for the request property only. (EE)

PROFFERED CONDITIONS

1. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. Stormwater. The developer shall leave in place the temporary sediment control devices and/or, at the election of the developer, construct new BMPs or combinations of BMPs, which would achieve, (i) a maximum phosphorous limit of .22 for residential development, and (ii) a maximum phosphorus limit of .45 for commercial development, until (i) Chesterfield County has constructed the downstream regional BMP into which a portion of the development will drain pursuant to Upper Swift Creek Watershed Plan or (ii) to the extent a portion of the Property does not drain into a regional BMP, then as to that portion of the Property, upon completion of the initial regional BMP. (EE)
3. Water. In lieu of a water line connection to the Queensmill West development, the developer shall extend a sixteen (16) inch water line adjacent to the proposed extension of Woolridge Road from the southern boundary to the northern boundary of the request site. In addition, the developer shall extend an appropriately sized water line along the East/West Arterial (as herein defined) from Otterdale Road to the eastern portion of Tract E. (U)
4. Water and Wastewater Plan. The required overall Water and Wastewater Systems Overall Plan for this development shall be submitted to the Utilities Department for review and approval at least thirty (30) days prior to the initial submission of any tentative, site, or

schematic plan. This shall be accompanied by a Phasing Plan which will establish a schedule for extensions of the required water and wastewater lines incrementally with each phase of development. (U)

(Staff Note: Proffered Conditions 3 and 4 supersede Condition 14 of Case 88S008 for the request property only.)

5. Cash Proffer

- a. Prior to the time of issuance of a building permit for each of the first twenty five (25) dwelling units, the applicant, subdivider, or its assignee, shall pay to the County of Chesterfield the following amount for infrastructure improvements for schools within the service district for the Property:

the amount approved by the Board of Supervisors, but not to exceed \$4,166 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made.

- b. If any of the cash proffer is not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, it shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)

(Staff Note: This condition supersedes Condition 30 of Case 88S008 for the request property only.)

6. Road Improvements and Phasing.

- a. Right-of Way Dedication. In conjunction with recordation of the initial subdivision plat, prior to any site plan approval, or within sixty (60) days from a written request by the county, whichever occurs first, the applicant or his assignee shall dedicate to the county, free and unrestricted, the following rights of way
 - i. A 200 foot wide right of way for Powhite Parkway Extended across the northwestern part of the Property;
 - ii. A 120 foot wide right of way for a north/south major arterial ("Woolridge Road Extended") from the southern Property line to the northern Property line. The exact location of this right of way shall be approved by Chesterfield Department of Transportation (CDOT);

- iii. A ninety (90) foot wide right of way for an east/west major arterial (the "East/West Arterial") from Otterdale Road to the eastern Property line. The exact location of this right of way shall be approved by CDOT;
 - iv. A forty five (45) foot wide right of way for Otterdale Road adjacent to the Property, measured from the centerline of Otterdale Road; and
 - v. Rights of way or easements for access (the "Site Road"), as approved by CDOT, from Woolridge Road Extended across the Property to the Lennon parcel (Tax ID 7196945885) on both the east and west sides of Woolridge Road Extended. The Site Road right of way width shall generally be sixty (60) feet; however, the exact width and location of these rights of way or easements shall be approved by CDOT.
- b. Construction. In order to provide an adequate roadway system, the applicant or his assignee shall be responsible for the following road improvements:
- i. Construction of a four (4) lane divided facility for Woolridge Road Extended, to VDOT Urban Minor Arterial standards (50 MPH) with modifications approved by CDOT, from the northern Property line to the East/West Arterial intersection;
 - ii. Construction of two (2) lanes of the East/West Arterial, to VDOT Urban Minor Arterial standards (50 MPH) with modifications approved by CDOT, from Otterdale Road to Woolridge Road Extended;
 - iii. Realignment of Otterdale Road at the East/West Arterial intersection to create a T-intersection, if approved by CDOT;
 - iv. Construction of left and right turn lanes at each approved access along the Site Road, along Woolridge Road Extended, along the East/West Arterial and along Otterdale Road, including at the East/West Arterial/Otterdale Road intersection, and at the East/West Arterial/Woolridge Road Extended intersection, as determined by CDOT;
 - v. Full cost of traffic signalization at all approved accesses including at the East/West Arterial/Woolridge Road Extended and at the Site Road/Woolridge Road Extended intersections, if warranted as determined by CDOT;
 - vi. Widening/improving the east side of Otterdale Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by CDOT, from the northernmost approved access onto Otterdale Road to the southern Property line; and

- vii. Any rights of way necessary for improvements specified in Proffered Condition 6.b. In the event the developer is unable to acquire the right of way necessary for these road improvements, the applicant or his assignee may request, in writing, the county to acquire such right of way as a public road improvement. All costs associated with the acquisition of such right of way shall be borne by the applicant or his assignee.
 - c. Phasing. Prior to any site plan or subdivision construction plan approval, whichever occurs first, a phasing plan for the improvements specified in Proffered Condition 6.b. shall be submitted to and approved by CDOT. The approved phasing plan shall require, among other things, the following:
 - i. The initial development on the Property of 175 residential units and 20,000 square feet of nonresidential uses shall have sole access to Woolridge Road Extended; and
 - ii. Prior to recordation or site plan approval on the Property of a cumulative total of more than 175 residential units or site plan approval of more than 20,000 square feet of nonresidential uses, whichever occurs first, four (4) lanes of Woolridge Road Extended as required by Proffered Condition 6.b.i.; and two (2) lanes of Powhite Parkway Extended from the Watermill Parkway intersection to Woolridge Road Extended and two (2) lanes of Woolridge Road Extended from Powhite Parkway Extended to the northern Property line, shall be completed, as determined by CDOT.
 - d. Access. Prior to any site plan or tentative subdivision plan approval, whichever occurs first, the applicant or his assignee shall submit to CDOT, and receive its approval of, a plan for access to the Property from the Site Road, Woolridge Road Extended, the East/West Arterial and Otterdale Road. Access to the Property shall conform to the approved access plan.
 - e. Traffic Analysis. Prior to site plan approval of more than a cumulative total of 20,000 square feet of nonresidential uses, if required by CDOT, a traffic impact analysis based on CDOT procedures shall be submitted to and approved by CDOT. The approved traffic analysis shall establish the maximum density of development on the Property, and determine if the applicant or his assignee shall be responsible for additional roadway improvements from those identified in Proffered Condition 6.b., as determined by CDOT. (T)
7. Phasing. There shall be no lots recorded prior to July 1, 2005 on the Property. There shall be no site plan approved for any residential multifamily units prior to July 1, 2005. (P)

(Staff Note: This condition supersedes Textual Statement Items 14, 15, 16, 20, 21 and 22 of Case 88S008 for the request property only.)

AYES: Messrs. Litton, Wilson, Gulley and Bass.
NAY: Mr. Gecker.

03SN0288: (Amended) In Matoaca Magisterial District, **DOUGLAS R. SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-25) to Community Business (C-3) with Conditional Use to allow multifamily residential and residential townhouse uses and Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and for residential use of 2.0 units per acre or less. This request lies on 117.8 acres fronting in two (2) places for approximately 1,850 feet on the south line of Old Hundred Road, approximately 750 feet east of Otterdale Road and in two (2) places for approximately 725 feet on the east line of Otterdale Road, approximately 1,200 feet south of Old Hundred Road. Tax IDs 716-696-9418 and 9559; 717-695-0722; 717-696-1097; and 718-696-7128 (Sheet 9).

Ms. Peterson presented an overview of the request and staff's recommendation for approval, subject to the applicant addressing the impact on this development on capital facilities.

Mr. Jim Theobald, the applicant's representative, stated he felt the proposed zoning and land uses conformed to the Upper Swift Creek Plan and the proffered conditions adequately addressed the impact of the development on capital facilities. He distributed copies of the Cash Proffer Policy, referencing the section relative to credits for lots that could be developed prior to zoning; stated he believed the request was consistent with the policy and guidelines; and asked the Commission to forward a recommendation for approval to the Board of Supervisors for consideration.

Ms. Agnes Matthews, a resident of Otterdale Road and Ms. Kathy Kirk, President of the Task Force for Responsible Growth, expressed concerns relative to the rapid development in the area, the lack of infrastructure to accommodate the rapid growth, and urged the Commission to not recommend approval of requests that did not adequately address their impact on capital facilities.

In response to questions from the Commission, Mr. Carmody answered questions relative to the Cash Proffer Policy, indicating that the County's practice was to allow credits only on residentially-zone property.

In response to questions from the Commission, Mr. McCracken answered questions relative to transportation concerns.

In response to questions from Mr. Bass pertaining to a compromise and if the applicant were willing to seek less credits on the proffers, Mr. Theobald reiterated that he felt the request was consistent with the Cash Proffer Policy; however, his client was willing to proffer \$6,000 per lot versus \$8,000 per lot to address concerns.

Mr. Gecker responded that the policy was not a financial issue and he did not want to set a precedent for giving credits on agriculturally-zoned properties.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 03SN0288, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

Development of the Residential (R-12) uses (Tract D) shall not exceed a density of two (2) units per acre. (P)

PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property under consideration ("Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement dated March 26, 2004, and the zoning map prepared by E.D. Lewis & Associates, Inc., dated March 23, 2004 entitled "Rezoning Master Plan, Matoaca District, Chesterfield County, Virginia" shall be considered the Master Plan. (P)
2. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Public Water and Sewer. The public water and wastewater systems shall be used. (U)
4. Cash Proffer. Prior to the time of issuance of a building permit for each new dwelling unit with the exception of the initial (i) eight (8) units where the majority of the lot is within the existing A parcel, and (ii) seventeen (17) units where the majority of the lot is within the existing R-25 parcel, the applicant, subdivider, or its assignee, shall pay to the County of Chesterfield the following amounts for infrastructure improvements within the service district for the Property:
 - a. For all residential units except those designated as age-restricted units in accordance with paragraph (b):
 - i. if payment is made prior to July 1, 2004, \$9000; or
 - ii. if payment is made after June 30, 2004, the amount approved by the Board of Supervisors, but not to exceed the \$9000 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made; or
 - b. For all residential units designated for senior housing, the units of which meet the occupancy requirements for "age 55 or over" housing as set forth in section 3607

of the Fair Housing Act, 42 USC Sections 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the rezoning, and which are subject to the occupancy requirement that no person under 19 shall reside in such unit:

- i. if payment is made prior to July 1, 2004, \$4815, to be allocated among the facility costs as follows: \$598 for parks, \$324 for library facilities, \$346 for fire stations, and \$3547 for roads; or
- ii. if payment is made after June 30, 2004, the amount approved by the Board of Supervisors, but not to exceed the \$4815 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made, to be allocated pro-rata among the facility costs as specified in (b)(i).

If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)

5. Age-Restricted Units. Age-restricted dwelling units shall be grouped on a particular portion of the Property and shall not be scattered among other residential dwelling units. At the time of recordation of a subdivision plat, lots for age-restricted units shall be so noted on the plat. Any site plan for age-restricted dwelling units shall also note such restriction. (B&M)
6. Stormwater Runoff Limitation. The developer shall leave in place the temporary sediment control devices and/or, at the election of the developer, construct new BMPs or combinations and BMPs, which would achieve a maximum phosphorus limit of .22 for residential development, and (ii) a maximum phosphorus limit of .45 for commercial development, until Chesterfield County has constructed the downstream regional BMP into which the development will drain pursuant to the Upper Swift Creek Water Shed Plan. (EE)
7. Phasing of Development. No single family lots shall be recorded prior to January 1, 2006, and no more than seventy-seven single family lots shall be recorded prior to January 1, 2007. There shall be no site plan approved for any residential multifamily units prior to January 1, 2007. (P)
8. Road Improvements.
 - a. Right of Way Dedication. In conjunction with recordation of the initial subdivision plat, prior to any site plan approval, or within sixty (60) days from a written request

by the county, whichever occurs first, the applicant or his assignee shall dedicate to the county, free and unrestricted, the following rights of way:

- i. A forty-five (45) foot wide right of way for Old Hundred Road adjacent to the Property, measured from the centerline of Old Hundred Road;
- ii. A forty-five (45) foot wide right of way for Otterdale Road adjacent to the Property, measured from the centerline of Otterdale Road;
- iii. Up to a 120-foot wide right of way for a north/south major arterial ("Woolridge Road Extended") through the eastern part of the Property, as generally shown on the Rezoning Master Plan. Chesterfield Department of Transportation (CDOT) shall approve the exact width and location of this right of way. The applicant or his assignee shall submit to and receive approval from CDOT, an alignment, based on VDOT Urban Minor Arterial standards (50 MPH) with sufficient design information to include preliminary environmental assessment for Woolridge Road Extended; and
- iv. Rights of way or easements for access (the "Site Road"), as approved by CDOT, from Woolridge Road Extended, from Old Hundred Road and if requested by CDOT from Otterdale Road, across the Property to the Lennon parcel (Tax ID 7196945885). The Site Road right of way width shall generally be sixty (60) feet; however, the exact width and location of these rights of way or easements shall be approved by CDOT.

b. Construction. In order to provide an adequate roadway system, the applicant or his assignee shall be responsible for the following road improvements:

- i. Construction of a four (4) lane divided facility for Woolridge Road Extended, to VDOT Urban Minor Arterial standards (50 MPH) with modifications approved by CDOT, from Old Hundred through the Site Road intersection. The exact length of this improvement shall be approved by CDOT;
- ii. Construction of additional pavement along Woolridge Road Extended at the Site Road to provide dual left turn lanes, if warranted as determined by CDOT. The exact length of this improvement shall be approved by CDOT;
- iii. Construction of an additional lane of pavement plus a seven (7) foot wide unpaved shoulder along Old Hundred Road for the entire Property frontage;
- iv. Construction of left and right turn lanes at each approved access to the Property along the Site Road, along Old Hundred Road, along Otterdale Road, and along Woolridge Road Extended, including the Old Hundred Road/Woolridge Road Extended intersection, as determined by CDOT;

- v. Full cost of traffic signalization at each approved access including at the Site Road/Old Hundred Road, Site Road/Woolridge Road Extended, and Old Hundred Road/Woolridge Road Extended intersections, if warranted as determined by CDOT;
- vi. Relocation of the ditch along the east side of Otterdale Road adjacent to the Property, to provide an adequate shoulder; and
- vii. Any rights of way necessary for improvements specified in Proffered Condition 8.b. In the event the developer is unable to acquire the right of way necessary for these road improvements, the applicant or his assignee may request, in writing, the county to acquire such right of way as a public road improvement. All costs associated with the acquisition of such right of way shall be borne by the applicant or his assignee.

Prior to any site plan or subdivision construction plan approval, whichever occurs first, a phasing plan for the improvements specified in Proffered Condition 8.b. shall be submitted to and approved by CDOT. The approved phasing plan shall require, among other things, that the construction of a four (4) lane divided Woolridge Road, as identified in Proffered Condition 8.b.i., not occur until a nonresidential use is developed on Parcels B, F or G. (T)

9. Phasing. No building permits shall be issued for any nonresidential uses within Parcels B, F or G until:
 - (i) The following roads have been constructed, as a two (2) lane facility, as determined by CDOT: a) Woolridge Road Extended from Watermill Parkway to Route 288; b) an east/west major arterial in the Greensprings Development from Otterdale Road to Woolridge Road Extended, generally extending through the parcels identified as Tax IDs 7166914229 and 7166897889; c) Powhite Parkway Extended from Watermill Parkway to Woolridge Road Extended; and d) an east/west major arterial north of the Property from Old Hundred Road to Woolridge Road Extended generally extending through the parcels identified as Tax IDs 7167014130, 7207000007 and 7227004002 or Old Hundred Road is reconstructed to a standard acceptable to CDOT from the northern boundary of the proposed Halsey Subdivision to the Otterdale Road intersection; and
 - (ii) A traffic impact analysis based on CDOT procedures has been submitted to and approved by CDOT. The approved traffic analysis shall establish the maximum density of development on the Property, and determine if the applicant or his assignee shall be responsible for additional roadway improvements from those identified in Proffered Condition 8.b., as determined by CDOT. (T)
10. Access. Direct access from the Property to Woolridge Road Extended shall be limited to the Site Road generally located at the southern Property line, as generally shown on the Rezoning Master Plan. Direct access from the Property to Old Hundred Road shall be

limited to the Site Road generally located towards the western property line, as generally shown on the Rezoning Master Plan. Prior to any site plan or tentative subdivision plan approval, whichever occurs first, the applicant or his assignee shall submit to CDOT, and receive its approval of, a plan for access to the Property from Woolridge Road Extended, Old Hundred Road, Otterdale and the Site Road. Access to the Property shall conform to the approved access plan. (T)

11. Access Limitation. No access shall be permitted to or from the Property: (a) to Old Hundred Road between Tax ID 7186971607 and Tax ID 7176979512; or (b) to Otterdale Road between Tax ID 7166966084 and Tax ID 7166965665. (T)
12. Residential Townhouses. All roads that accommodate general traffic circulation through any part of Parcels F or G that is developed for townhouse use, as determined by CDOT, shall be designed and constructed to state standards and taken into the state system. Setbacks from these public roads shall be as identified for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance. This condition may be modified by CDOT if it is determined that the roads or any part of such roads cannot be designated for state acceptance. For any roads which accommodate general traffic circulation through the development that are not to be a part of the state system, a plan that insures the continual maintenance of the private streets shall be submitted to, and approved by CDOT. (T)

AYES: Messrs. Litton, Wilson, Gulley and Bass.
NAY: Mr. Gecker.

04SN0187: In Midlothian Magisterial District, **MICHAEL D. SIFEN, INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor and general commercial use. This request lies on 10.9 acres fronting approximately 150 feet on the north line of Hull Street Road approximately 430 feet east of Turner Road, also fronting approximately 400 feet on the east line of Turner Road approximately 300 feet north of Hull Street Road. Tax ID 765-698-Part of 8303 (Sheets 7 and 11).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the commercial uses requested complied with the Plan while the self storage facility use did not.

Mr. Jim Theobald the applicant's representative, did not accept staff's recommendation, indicating he felt the requested commercial and self storage facility uses were transitional uses and were consistent with the Route 360 Corridor Plan. He stated he had discussed the request with the 360 Corridor Committee, the Clover Hill District Commissioner and the Midlothian District Commission and felt their expectations had been met.

Messrs. Gecker and Gulley concurred.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0187 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Use Restrictions. That portion of the Property shown as "Self Storage" on the Site Plan referenced in Proffered Condition 4 may only be used for a self-service storage facility with an accessory office and dwelling unit for its manager and such uses as are customarily accessory and incidental thereto. There shall be no development on that portion of the Property shown as "Future Retail" on the Site Plan except for access drives, utilities, fencing, turn lanes and/or signage. (P)
2. Transportation.
 - a. Prior to any site plan approval, forty-five (45) feet of right-of-way on Turner Road, measured from the centerline of that part of Turner Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
 - b. There shall be no direct access from the property to Route 360. There shall be no direct access from the property to Dyer Lane. Direct access from the property to Turner Road shall be limited to one entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department.
 - c. Prior to the issuance of a certificate of occupancy, the developer shall be responsible for: 1) construction of additional pavement along Turner Road to provide a right turn lane at the site access if warranted based on CDOT standards and to the extent such improvement can be constructed within the Property; and 2) dedication, free and unrestricted, to and for the benefit of Chesterfield County of any additional right-of-way required for this improvement (T)
3. Outside Storage. There shall be no outside storage of vehicles, recreational vehicles, boats, materials or goods on the Property. (P)
4. Site Plan. Development of the Property for a self-service storage facility shall be in general conformance with the conceptual site plan attached hereto as it relates to internal focus of loading areas. Provided, however, the Planning Commission, at the time of Site Plan review may approve an alternative design which accomplishes the intent of internal focus of loading areas. (P)

5. Lighting. All exterior lighting for a self-service storage facility shall be low sodium vapor. Building mounted lighting shall be positioned below the roof line so as to minimize the impact of such lighting on any adjacent property. (P)
6. Building Height. Except for any office/manager's quarters, no self-service storage building shall exceed the lesser of one (1) story or fifteen (15) feet in height, exclusive of mechanical equipment, chimneys or other architectural design features. (P)
7. Signage. Any free standing signs shall be monument style and, if lighted, internally lit. (P)
8. Public Utilities. The public water and waste water system shall be used. However, the water and sewer facilities for the self-storage facility shall only be provided to the office and dwelling unit for the manager and not to the self-storage units other than for fire suppression purposes, if required. (U)
9. Timbering. With the exception of timbering to remove dead or diseased trees which has been approved by the Virginia State Department of Forestry, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
10. Screening of Loading Areas. Screening of loading areas for any self- storage facility from adjacent properties to the northwest and southeast shall be achieved through the positioning of the self-storage buildings in a compound-like manner such that the walls of the buildings closest to such adjacent properties shall be generally parallel to the southeast boundary line of Tax ID 7656988146 and to the northwest boundary line of Tax ID 7666984521, as shown on the Site Plan. (P)
11. Setbacks and Landscaping. Adjacent to properties that are zoned Agricultural (A) or used for residential purposes, buildings, parking, and driveways shall be setback a minimum of seventy-five (75) feet. Such setback shall be landscaped with plantings meeting the requirements for Perimeter Landscaping C Option I, as set forth in section 19-518(g) of the Zoning Ordinance. Adjacent to Dyer Lane, buildings, parking, and driveways shall be setback a minimum of seventy-five (75) feet. Such setback shall be landscaped with plantings meeting the requirements for Two Times Perimeter Landscaping C Option I, as set forth in Section 19-518(g) of the Zoning Ordinance. (P)
12. Development Standards. The Property shall be developed in compliance with the Emerging Growth Development standards. (P)
13. Elevations. Development of the Property for a self-service storage facility shall be in general conformance with the architectural appearance and materials shown on the elevations entitled "Mini Price Self Storage - Turner Road and Hull Street", unless otherwise approved by the Planning Commission at the time of Site Plan review consistent with the standards as set forth in the Route 360 Corridor Plan and Emerging Growth District standards. (P)
14. Hours of Operation. The self-service storage facility shall not be open to the public earlier than 7:00 a.m. nor later than 9:00 p.m. (P)

15. Fencing. Except where screening walls and ornamental access gates provide security measures, the self-service storage facility shall be secured with vinyl-coated chain link fencing, and the posts for such fencing shall be of the same color as the vinyl coating. (P)
16. Notification of Site Plan. The Owner/Developer shall be responsible for notifying, in writing, of the submission of site plans to the last known contact/representative on file with the County Planning Department of the Route 360 Corridor Committee (the "Committee") in order that the Committee may have an opportunity to review such plans including, but not limited to, the proposed fencing for the self-storage facility. Such notification shall occur no later than twenty-one (21) days prior to approval or disapproval of the plan. The Owner/Developer shall provide a copy of the notification letter to the Planning Department. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

In response to Mr. Gulley's request, Mr. Jacobson indicated the Cash Proffer Policy would be placed on the agenda for discussion at the May 18, 2004, Work Session.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Wilson, that the meeting adjourned at approximately 8:48 p. m. to May 18, 2004, at 12:00 Noon in the Executive Session Meeting Room of the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Chairman/Date

Secretary/Date